UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

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U.S. DISTRICT COURT
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TEXAS-EASTERN
BY [signature]

Helen G. Rhea,	§	
Plaintiff	§	
	§	
V.	§	
	§	**Civil Action No. 501CV194**
Bridgestone/Firestone, Inc.	§	
and Ford Motor Company	§	
Defendants	§	

ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Helen G. Rhea, Plaintiff, and files this Original Complaint against Bridgestone/Firestone, Inc. and Ford Motor Company and shows the Court as follows:

I. PARTIES

1. Plaintiff Helen G. Rhea is an individual residing at 129 Southwest Maple Street, DeKalb, Bowie County, Texas

2. Defendant Bridgestone/Firestone, Inc. is an Ohio corporation, with its principal place of business in Nashville, Tennessee. It is authorized to do and does business in this District, and is may be served with process by serving its registered agent: C.T. Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201.

3. Defendant Ford Motor Company is a Delaware corporation, with its principal place of business in Dearborn, Michigan. It is authorized to do and does business in the state of Texas and this District. It may be served with process by serving its registered agent: C.T. Corporation System, 350 N. St. Paul Street, Dallas, TX 75201.

II. JURISDICTION

4. This Court has diversity jurisdiction over this cause under 28 U.S.C. § 1332(a)(1) because the amount in controversy exceeds $75,000.00 exclusive of interest and costs and because Plaintiff is a Texas citizen and, as discussed above, Defendants are citizens of other states.

III. VENUE

5. Venue is proper in the Texarkansas Division of the Eastern District of Texas under 28 U.S.C. § 1391(a)(2) because a substantial part of the events giving rise to this cause occurred in this District.

IV. STATEMENT

6. On July 3, 1999, Plaintiff was a passenger in a 1996 Ford Explorer, manufactured, marketed, and designed by Defendant Ford. The Explorer was equipped with Firestone Radial ATX tires manufactured, marketed and designed by Defendant Bridgestone/Firestone, Inc. The Explorer was owned and operated by Kelly Powell, Plaintiff's daughter.

7. On that day, Plaintiff and the other occupants of the Explorer were involved in a one vehicle accident. As the Explorer was traveling eastbound on Interstate 30, the tread separated from the rear right tire. The loss of tread caused the Explorer to go out of control and roll over approximately three times.

8. As a result of the accident, Plaintiff suffered severe and disabling injuries. As the Explorer rolled over, Plaintiff was ejected from the vehicle. She came to rest in the westbound lane of Interstate 30. Before the accident, Plaintiff had been riding in the rear seat of the Explorer.

V. CAUSES OF ACTION

Based on the above facts, Plaintiff asserts the following causes of action:

A. **Strict Liability**

9. At all times relevant to this action, Defendant Ford was in the business of designing, manufacturing and marketing vehicles like the Explorer at issue in this cause. Defendant Ford actually designed, manufactured, marketed, and sold the 1996 Explorer at issue in this cause.

10. At all times relevant to this action Defendant Bridgestone/Firestone was engaged in the business of designing, manufacturing, and marketing tires like those on the Explorer at issue in this cause. Defendant Bridgestone/Firestone actually designed, manufactured, marketed, and sold the Firestone Radial ATX tire at issue in this cause.

11. The 1996 Ford Explorer and the Firestone Radial ATX were unreasonably dangerous and defective when they left the Defendants' control and at the time of the accident. These defects were a producing cause of Plaintiff's injuries.

12. At the time the 1996 Ford Explorer and the Firestone Radial ATX tires left the Defendants' control, there were safer alternative designs available. Those safer alternative designs were economically and technologically feasible, and in a reasonable probability would have prevented the accident and Plaintiff's injuries.

B. **Negligence**

13. Defendants Ford and Bridgestone/Firestone were negligent in their design, manufacture, and marketing of the 1996 Ford Explorer at issue in this cause. Defendants were negligent in the following respects:

a. failing to properly design the vehicle in question;

b. failing to properly manufacture the vehicle in question;

c. failing to properly market the vehicle in question;

d. failing to properly inspect the vehicle in question; and

e. failing to properly warn Plaintiff and the general public about the use and operation of the vehicle in question.

14. These acts of negligence and others were a proximate cause of the Plaintiff's injuries.

15. Defendants Ford and Bridgestone/Firestone were also negligent in their design, manufacture, marketing, and supplying of the Firestone Radial ATX tire at issue in this cause. Defendants were negligent in the following respects:

a. failing to properly design the tire in question;

b. failing to properly manufacture the tire in question;

c. failing to properly market the tire in question;

d. failing to properly inspect the tire in question; and

e. failing to properly warn Plaintiff and the general public about the use and operation of the tire in question.

16. These acts of negligence and others were a proximate cause of the Plaintiff's injuries.

17. Defendants Ford and Bridgestone/Firestone were negligent in combining the Ford Explorer and the Firestone Radial ATX, and then, marketing and supplying that combination to the general public. Defendants were negligent in the following respects:

a. failing to properly design the vehicle and the tire combination;

b. failing to properly manufacture the vehicle and tire combination in question;

c. failing to properly market the vehicle and tire combination in question;

d. failing to properly inspect the vehicle and tire combination in question;

e. failing to properly warn Plaintiff and the general public about the use and operation of the vehicle and tire combination in question.

18. Defendants Ford and Bridgestone/Firestone were also negligent for failing to warn Plaintiff and the general public about the unreasonably dangerous condition, separately and when combined, of the 1996 Ford Explorer and Firestone Radial ATX tire. Defendants knew or should have known of the substantial risk created by defects in the 1996 Ford Explorer and Firestone Radial ATX tire, separately and when combined. Defendants could have effectively communicated a warning to Plaintiff and the general public before the date of the accident underlying this cause, but failed to do so.

19. These acts of negligence and others were a proximate cause of the Plaintiff's injuries.

C. **Conspiracy**

20. Plaintiff believes Defendants knew of the defects in the 1996 Ford Explorer and the Firestone Radial ATX tire at the time the 1996 Ford Explorer was designed, manufactured, marketed, and placed into the stream of commerce. Defendants also knew or should have known of the defects in the 1996 Ford Explorer and the Firestone Radial ATX tire before the accident that forms the basis of this cause. Defendants knew or should have known that these defects, separately and in combination, made the 1996 Ford Explorer and Firestone Radial ATX tire unreasonably dangerous.

21. Defendants Ford and Bridgestone/Firestone engaged in a conspiracy to conceal, from Plaintiff and the general public, the unreasonably dangerous condition of the 1996 Ford Explorers and Firestone Radial ATX tires, including those at issue in this cause. This conspiracy was a proximate cause of the Plaintiff's injuries.

VI. DAMAGES

22. The defects in the 1996 Ford Explorer and Firestone Radial ATX tire were a producing and/or proximate cause of Plaintiff's injuries and damages. By this suit, Plaintiff seeks recovery for those injuries and damages as follows:

a. Past physical pain and mental anguish;

b. Future physical pain and mental anguish;

c. Past medical expenses;

d. Future medical expenses;

e. Past and future loss of earnings;

f. Loss of earning capacity;

g. Past physical impairment; and

h. Future physical impairment.

VII. EXEMPLARY DAMAGES

23. Plaintiff asserts a claim against Defendants Ford and Bridgestone/Firestone for exemplary damages. Defendants Ford and Bridgestone/Firestone engaged in the above-described conduct with knowledge of the defects that existed in the 1996 Ford Explorer and the Firestone Radial ATX and of the unreasonably dangerous condition of the 1996 Ford Explorer and the Firestone Radial ATX, separately and when combined. Defendants' conduct in designing, manufacturing, marketing, and supplying the Explorer and tire at issue and their

conspiracy to conceal the unreasonably dangerous condition of both amounts to fraud, malice, gross-negligence, and willful conduct as those terms are defined under Texas law relating to punitive damages.

24. WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be duly cited to appear and answer herein pursuant to the law, and that upon trial of this case, Plaintiff be awarded judgment against Defendants for actual damages, pre-judgment and post-judgment interest at the rate allowed by law, cost of court, and such other and further relief in law and in equity to which Plaintiff may be justly entitled.

Respectfully submitted,

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